

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MEADOWBROOK MEAT COMPANY, INC.,
Plaintiff

V.

PHOENIX PARTNERS LP, PHOENIX PART-
NERS CORP., JOSEPH DEL VALLE, ET AL.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 5979

JUDGE KRAM

TO: (Name and address of Defendant)

SEE ATTACHED SERVICE LIST

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 25 2007

J. MICHAEL McMAHON
CLERK

DATE

(By) DEPUTY CLERK

Service List

| | |
|------------------------------------|--|
| Phoenix Partners LP | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Phoenix Partners Corp. | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Joseph Del Valle | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Michael Carstens | 425 E. 58th Street, New York, New York 10022 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Michael Growney | 205 Foss Drive, Upper Nyack, New York 10960 |
| Donna Del Valle | 1839 Celeste Drive, Wall, New Jersey 07719 |
| Vanquish Acquisition Partners, LLC | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| CDG Enterprises | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Southeast Cruise Holdings, LLC | 590 Madison Avenue, 21st Floor, New York, New York 10021 |

MEADOWBROOK MEAT COMPANY, INC.

V.

PHOENIX PARTNERS, LP, ET AL.

United States District Court
 Southern District of New York
 Docket/Index # 07-Civ 5979

Affidavit of Service

State of New Jersey

SS:

County of Monmouth

I, **John Rizer** being duly sworn according to law upon my oath, depose and say that I am a citizen of the United States, that I am over the age of eighteen, that I am a competent adult, that I do not have a direct interest in the litigation and that I reside in the State of New Jersey.

That on **July 1, 2007 at 11:30 AM**, deponent served the within named **Summons in a Civil Case and Complaint, Judges Rules, Magistrates Rules & ECF Instructions** upon **Donna Del Valle**. Said service was effected at **1839 Celeste Drive, Wall, NJ 07719**, in the following manner;

By delivering thereat a true copy of each to **Donna Del Valle** personally. Deponent knew said person so served to be the person described as said **Donna Del Valle** therein.

Donna Del Valle is described to the best of deponent's ability at the time and circumstances of service as follows:

Sex: **Female** Skin: **White** Hair: **Blonde** Age(Approx): **40** Ht.(Approx): **5' 7"** Wt.(Approx): **140-150 lbs**

I **John Rizer** asked, whether **Donna Del Valle** was in the military service of the State or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, deponent avers that **Donna Del Valle** is not in the military service of the State or the United States as that term is defined in the statutes of the State or the Federal Soldiers and Sailors Civil Relief Act.

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on July 2, 2007

J, Michael Pagan, Notary Public of New Jersey
 My Commission Expires 4/14/2010

John Rizer, Process Server
 Demovsky Lawyer Service
 401 Broadway Suite 510
 New York, NY 10013